

AMENDED IN SENATE JUNE 29, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 755

Introduced by Assembly Member Brownley

February 26, 2009

An act to amend Section 19050.8 of the Government Code, relating to civil service appointments.

LEGISLATIVE COUNSEL'S DIGEST

AB 755, as amended, Brownley. Civil service appointments.

Existing law authorizes the State Personnel Board to prescribe rules governing the temporary assignment or loan of employees within an agency or between agencies or between jurisdictions for specified time limits, for the purpose of providing training to employees, enabling an agency to obtain expertise needed to meet a compelling program or management need, or facilitating the return of injured employees to work. Existing law authorizes those temporary assignments or loans to be used to meet minimum requirements for promotional as well as open examinations.

~~This bill would provide that local educators on loan to a state education agency would not be eligible to use their temporary assignment experiences to meet minimum requirements for promotional or open examinations.~~ *This bill would provide that temporary assignments shall not be made or continued if there is a reasonable basis for utilizing or pursuing other personnel management options, as provided. This bill would define compelling program or management need for purposes of these provisions. This bill would also provide that no assignment shall exceed 4 years, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19050.8 of the Government Code is
2 amended to read:
3 19050.8. The board may prescribe rules governing the
4 temporary assignment or loan of employees within an agency or
5 between agencies for not to exceed two years or between
6 jurisdictions for not to exceed four years for any of the following
7 purposes:
8 (a) To provide training to employees.
9 (b) To enable an agency to obtain expertise needed to meet a
10 compelling program or management need. *Temporary assignments*
11 *shall not be made or continued under this section if there is a*
12 *reasonable basis for utilizing or pursuing other personnel*
13 *management options, such as transfer, list appointments,*
14 *classification plan changes, adverse action, layoff, probationary*
15 *rejection, or medical termination. Other staff shall not be laid off,*
16 *demoted, or similarly displaced as a result of temporary*
17 *assignments made under this section. For purposes of this section,*
18 *a compelling program or management need is defined as:*
19 (1) *Special projects or assignments that require a breadth and*
20 *depth of demonstrated expertise or a level or response that cannot*
21 *be obtained under normal staffing procedures.*
22 (2) *Staffing situations that require temporary reassignments to*
23 *prevent or alleviate a negative impact upon departmental*
24 *operations and efficiency.*
25 (c) To facilitate the return of injured employees to work.
26 These temporary assignments or loans shall be deemed to be in
27 accord with this part limiting employees to duties consistent with
28 their class and may be used to meet minimum requirements for
29 promotional as well as open examinations. An employee
30 participating in that arrangement shall have the absolute right to
31 return to his or her former position. Any temporary assignment or
32 loan of an employee made for the purpose specified in subdivision
33 (b) shall be made only with the voluntary consent of the employee.
34 In addition, out-of-class experience obtained in a manner not
35 described in this section may be used to meet minimum

1 requirements for promotional as well as open examinations, only
2 if it was obtained by the employee in good faith and was properly
3 verified under standards prescribed by board rule.

4 For purposes of this section, a temporary assignment or loan
5 between educational agencies or jurisdictions ~~shall~~ *may* be extended
6 for up to two additional years upon a finding by the Superintendent
7 of Public Instruction or the Chancellor of the California
8 Community Colleges, and with the approval of the Executive
9 Officer of the State Personnel Board, that the extension is necessary
10 in order to substantially complete work on an educational
11 improvement project. ~~Local educators on loan to a state education~~
12 ~~agency shall not be eligible to use their temporary assignment~~
13 ~~experiences to meet minimum requirements for promotional or~~
14 ~~open examinations.~~ *No temporary assignment or loan shall exceed*
15 *four years of total time per individual in any combination of*
16 *assignments or loans.* However, the temporary assignment of any
17 local educator who is performing the duties of a nonrepresented
18 classification while on loan to a state education agency may be
19 extended for as many successive two year intervals as necessary
20 by the Superintendent of Public Instruction or the Chancellor of
21 the California Community Colleges with the concurrence of the
22 education agency or jurisdiction. Public and private colleges and
23 universities shall be considered educational agencies or
24 jurisdictions within the meaning of this section.

25 A temporary assignment within an agency or between agencies
26 may be extended by the board for up to two additional years in
27 order for an employee to complete an apprenticeship program.